



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 2024728-7034064002
(02-05912)

PATENT

3739 AF
\$
#17 Not of Appeal

In re Application of:

Robert S. Behl, et al

Serial No.: 09/832,497

Filed: April 11, 2001

For: APPARATUS AND METHODS FOR
TREATING TUMORS NEAR THE SURFACE
OF AN ORGAN

Group Art Unit: 3739

Confirmation No.: 1252

Examiner: Peter Vrettakos

M/S: Appeal

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RECEIVED
DEC 02 2003
TECHNOLOGY CENTER R3700

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated August 20, 2003 of the Examiner rejecting claims 32-34, 39-40, and 45-54.

The items checked below are appropriate.

1. Request and Petition for EXTENSION OF TIME:

☐ The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

12/01/2003 BABRAHA1 00000020 502518 09832497

01 FC:1401 330.00 DA

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelopé addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

November 19, 2003

Date of deposit

PA:52122619.1/2024728-7034064002

Maritza D. Kidd

Name of Person transmitting Paper

Signature of Person transmitting Paper

11/19/03 10:10 AM

- ☐ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$210.00	\$420.00
<input type="checkbox"/> three months	\$475.00	\$950.00
<input type="checkbox"/> four months	\$740.00	\$1,480.00
<input type="checkbox"/> five months	\$1,005.00	\$2,010.00
Fee		\$0.00

- ☐ If any extension fee is required, please consider this a petition therefore.

2. Appeal FEES

- ☐ Applicant claims small entity status pursuant to 37 CFR § 1.27.

<input checked="" type="checkbox"/> APPEAL FEE: 37 CFR §1.17 (b)	\$330.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR § 1.9, 1.27, 1.28.	<input type="checkbox"/> \$0.00
Extension of Time (from above)	\$0.00
TOTAL FEES SUBMITTED HEREWITH	\$330.00

3. Method of Payment of fees:

- ☐ Attached is a check in the amount of _____.
- ☒ Please charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of \$330.00. *A duplicate copy this sheet is enclosed.*
- ☒ The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. **50-2518** for any fees required that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account No. **50-2518**

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: November 19, 2003

By: 

David T. Burse
Reg. No. 37,104

23639
PATENT TRADEMARK OFFICE

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4400